HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL No.905 OF 2007

Between:

Smt. K.V.Nagamani

. . .Appellant

AND

The Collector and District Magistrate,
Vizianagaram and others

. . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Smt. K.V.Sridevi
for Shri E.V.Bhagiratha Rao

Counsel for the respondents : Government Pleader for
Civil Supplies

29th October, 2007

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PER G.S.SINGHVI, CJ

This is an appeal for setting aside order dated 01.08.2007 passed by the learned Single Judge in Writ Petition No.4875 of 2003, whereby he refused to quash orders dated 02.05.2002, 29.10.2002 and 15.01.2003 passed by Revenue Divisional Officer, Parvathipuram, Joint Collector and Additional District Magistrate, Vizianagaram and Collector and District Magistrate, Vizianagaram respectively under Andhra Pradesh Scheduled Commodities (RDCS) Order, 1973.

A perusal of the record shows that while she was working as an authorized fair price shop dealer at Mettavalasa Village, Bobbili Mandal, Vizianagaram District, proceedings under Section 6-A of the Essential Commodities Act, 1955 were initiated against the appellant on the charge of committing irregularities. Her authorization was suspended and a fine of Rs.2,500/- was imposed by the Joint Collector. Subsequently, her authorization was restored with effect from 6.5.2000. However, the appellant failed to lift the stocks of the essential commodities for a continuous period of 14 months between September, 2000 and November, 2001. This resulted in depriving cardholders of their right to receive essential commodities. Revenue Divisional Officer, Parvathipuram issued show cause notice to the appellant proposing to cancel her authorization. She neither filed reply to controvert the allegations contained in the notice nor appeared before the Revenue Divisional Officer to represent her cause. Therefore, after taking note of the allegation of her having failed to lift the stocks, the officer concerned vide his order

dated 02.05.2002 cancelled the authorization of the appellant. Joint Collector and Additional District Magistrate, Vizianagaram and Collector and District Magistrate dismissed the appeal and revision filed by the appellant. The learned Single Judge confirmed the orders impugned in the writ petition by observing that the appellant's failure to lift the stocks for 14 months and to show cause against the notice issued by Revenue Divisional Officer are indicative of her unwillingness to perform duty as authorized fair price shop dealer.

We have heard Smt. K.V.Sridevi, learned counsel for the appellant. She made efforts to convince us that the appellant could not lift the stocks of the essential commodities because she was attending her ailing father, but we have not felt impressed because the appellant did not produce any evidence before the concerned authority to substantiate her assertion. That apart, no tangible explanation has been put-forward by the appellant for her non-appearance before the Revenue Divisional Officer. Even before this Court, neither any medical certificate nor any other evidence has been produced to show that the appellant's father was seriously sick and she was attending him. Therefore, we do not find any valid ground or justification to interfere with the concurrent finding recorded by the three authorities and the order of the learned Single Judge on the issue of the appellant's failure to perform duty as authorised fair price shop dealer.

With the above observations, the appeal is dismissed.

G.S.SINGHVI, CJ

29th October, 2007

G.ROHINI, J

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